

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 359

Introduced by Assembly Member Nava

February 23, 2009

An act to amend Section 104150 of the Health and Safety Code, *and to add Section 14132.165 to the Welfare and Institutions Code*, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Nava. Breast and cervical cancer: early detection screening: digital—~~mammography~~: *mammography: reimbursement rates*.

Under existing law, the State Department of Public Health participates in a grant program through the federal Centers for Disease Control and Prevention to provide breast and cervical cancer early detection screening. Providers participating in the grant program may only provide screening services to individuals whose family income does not exceed 200% of the federal poverty level.

This bill would require digital mammography screening to be covered when analog mammography services are not available from the provider. It would permit ~~the department to authorize~~ coverage of digital mammography screening where digital and analog mammography are both available.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income persons are provided with health care services, including breast and cervical cancer services.

This bill would authorize digital screening eligibility and reimbursement under these programs only for those screenings where the provider agrees to receive reimbursement in full at the analog rate.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 104150 of the Health and Safety Code
2 is amended to read:

3 104150. (a) A provider or entity that participates in the grant
4 made to the department by the federal Centers for Disease Control
5 and Prevention breast and cervical cancer early detection program
6 established under Title XV of the Public Health Service Act (42
7 U.S.C. Sec. 300k et seq.) in accordance with requirements of
8 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render
9 screening services under the grant to an individual if the provider
10 or entity determines that the individual's family income does not
11 exceed 200 percent of the federal poverty level.

12 (b) (1) The department shall provide for breast cancer and
13 cervical cancer screening services under the grant at the level of
14 funding budgeted from state and other resources during the fiscal
15 year in which the Legislature has appropriated funds to the
16 department for this purpose. These screening services shall not be
17 deemed to be an entitlement.

18 (2) Digital mammography screening shall be covered when
19 analog mammography services are not available from the provider.
20 The department may authorize coverage of digital mammography
21 screening where digital and analog mammography are both
22 available from the provider. *Digital mammography screening is*
23 *covered under this section, and may be reimbursed only if the*
24 *provider agrees to receive reimbursement in full at the analog*
25 *rate.*

26 (c) To implement the federal breast and cervical cancer early
27 detection program specified in this section, the department may
28 contract, to the extent permitted by Section 19130 of the
29 Government Code, with public and private entities, or utilize
30 existing health care service provider enrollment and payment
31 mechanisms, including the Medi-Cal program's fiscal intermediary.
32 However, the Medi-Cal program's fiscal intermediary shall only

1 be used if services provided under the program are specifically
2 identified and reimbursed in a manner that does not claim federal
3 financial reimbursement. Any contracts with, and the utilization
4 of, the Medi-Cal program's fiscal intermediary shall not be subject
5 to Chapter 3 (commencing with Section 12100) of Part 2 of
6 Division 2 of the Public Contract Code. Contracts to implement
7 the federal breast and cervical cancer early detection program
8 entered into by the department with entities other than the Medi-Cal
9 program's fiscal intermediary shall not be subject to Part 2
10 (commencing with Section 10100) of Division 2 of the Public
11 Contract Code.

12 *SEC. 2. Section 14132.165 is added to the Welfare and*
13 *Institutions Code, immediately following Section 14132.16, to*
14 *read:*

15 *14132.165. Digital mammography screening may be*
16 *reimbursed pursuant to Section 14132.16, but only at the analog*
17 *rate and only if the provider agrees to receive reimbursement in*
18 *full at the analog rate.*